In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 9838 of 2005

Date of Decision: 18.04.2007

Kewal Kumari

…Petitioner

Versus

State of Punjab and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.S. Bajaj, Advocate,
for the petitioner.

Mr. M.P. Goswami, DAG, Punjab,
for respondent Nos. 1 and 2.

Mr. D.S. Patwalia, Advocate,
for respondent Nos. 3 and 4.

JUDGMENT

M.M. KUMAR, J. (Oral)

The petitioner has filed the instant petition under Article 226 of the Constitution for quashing the condition imposed in the order dated 16.6.2004, passed by respondent No. 3, which stipulates that salary in the grade of Rs. 700-1600 will be released to him w.e.f. 21.10.1989 as and when the requisite grant is released by the Director

of Public Instructions (Colleges), Punjab-respondent No. 2 (P-9). A further relief has been sought for directing the respondents to release to the petitioner pay scale of Rs. 700-1600 w.e.f. 21.10.1989 in terms of the order dated 9.10.2002 (P-4), 17.5.2004 (P-10) as well as in accordance with the pay scales subsequently revised from time to time with all consequential benefits including arrears with interest @ 18% from the due date till payment.

During the course of arguments it has been pointed out that the management of the respondent College (respondent No. 3) had sent the case of the petitioner for approval to respondent No. 2 and approval has been duly accorded to the selection and appointment of the petitioner as Librarian in the respondent No. 4 College. Thereafter the case of the petitioner was also sent on 27.3.2006 for fixation of her pay in the revised pay scale of Rs. 8000-13500 as is evident from the perusal of letter dated 27.3.2006 (R-3/4). It is undisputed that the pay scale of the Lecturer in Colleges and also those of the Librarian have been revised w.e.f. 1.1.1996 and the revised pay scale is Rs. 8000-13500. Respondent Nos. 3 and 4 on the one hand and respondent Nos. 1 and 2 on the other have made an attempt to shift the burden on each other of fixing the pay scale of the petitioner.

In view of above, we direct respondent Nos. 1 and 2 to fix the pay scale of the petitioner, along with any other revision made in the meanwhile, within six weeks from the date of receipt of a certified copy of this order and release the same within two weeks

thereafter to respondent No. 3 for making payment to the petitioner after adding its own share. Respondent Nos. 3 and 4 shall disburse the salary of the petitioner along with arrears within two weeks thereafter. The petitioner shall also be entitled to her costs from the respondents. Let respondent Nos. 1 and 2 pay Rs. 5,000/- to the petitioner and respondent Nos. 3 and 4 shall also pay the same amount as costs.

The writ petition stands disposed of.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

April 18, 2007
Pkapoor